

DIST. OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	S	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET	
	YR.	NUMBER	MO.	DAY	YEAR										YR.	NUMBER
1085/4	75	0339	07	25	75	4	190	1	21			58	8509	D P	75	0339-B

PLAINTIFFS

DEFENDANTS

CORY FOOD SERVICES, INC.

FORRESTINE FARTHING

CAUSE

28 U.S.C. Sec. 1332, diversity action for breach of contract, unfair trade practices.

ATTORNEYS

R. Dobie Langenkamp
Sam G. Bratton
Doerner, Stuart, Saunders
Daniel & Langenkamp
1200 Atlas Life Bldg.
Tulsa, Ok 74103

Steven Milligan
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RECEIPT NUMBER

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STATISTICAL CARDS

CARD

DATE MAILED

JS-5

8-1-75

JS-6

12-1-75

DATE	NR.	PROCEEDINGS
7-25-75	1.	Complaint, filed. Summons issued. b
7-31-75		US Marshals service returned and executed on <u>Forrestine Farthing</u> at Tulsa, Oklahoma on 7-30-75 W/fees of \$4.44, filed. mm
8-7-75	2.	Pltf's appl. for early setting of hearing re preliminary injunction, filed. b
8-19-75	3.	Defendant's Answer and Cross-Claim, filed. mm
8-27-75	4	Order, filed, granting pltf's appl. for hrg. & setting hearing on temporary injunction on 9-3-75 at 10:00 a.m. Order to be served by USM on or before 8-29-75. (AEB-J)k <i>cps dly</i>
9-3-75		Case called for hearing on temporary injunction. Pltf's attorneys present. Hearing passed to 9-11-75, at 11:00 A.M.(AEB-J)b
9-3-75	MO:	Ordered by the Court that answer to counterclaim be filed by 9-10-75. Pre-trial on 9-22-75, at 10:00 A.M. List of witnesses, exhibits marked, trial briefs, etc. filed by 9-23-75. Trial on the merits set on 9-24-75, at 10:00 A.M.(AEB-J)b ltr mld
9-4-75	5.	Defendant's Demand for Jury Trial, filed. mm
9-9-75	6.	Pltf's Answer to Counterclaim, filed. lm
9-11-75		Case called for hearing on temporary injunction. Parties present & represented. Hearing passed to 9-12-75, at 10:30 A.M.(AEB-J)b
9-11-75	7.	Brief of defs. in response to pltf. mo/temporary injunction, filed. rm
9-12-75	MO:	It is ordered, pursuant to Rule 65(a)(2) that the case is stricken from the hearing on preliminary injunction set September 12 & accelerated and consolidated for hearing on the preliminary injunction and merits sua sponte by the Court. The case has previously been set for trial on September 24, 1975, at 10:00 A.M. and that date remains effective.(AEB-J)b ltrs mld. b
9-12-75	8.	Order consolidating for the purpose of trial case 75-C-340 with 75-C-339, filed(AEB-J)b cps mld
9-19-75	9.	Defendant's Motion for Judgment on the Pleading, filed. mm
9-19-75	10.	Defendant's Brief in Support of Defendant's Motion for Judgment on the Pleadings, filed. mm
9-19-75		MO: Ordered by the Ct. that the plaintiff file a responsive brief within 10 days to the Motion for Judgment on the Pleading filed by the defendant. (AEB-J) cps mld mm
9-22-75	11.	Deft's Mtn. for Prod. of Documents, filed. jj
9-22-75		Deposition of <u>Forrestine Farthing</u> , taken on behalf of the Pltf. on 9-19-75 before Evelyn E. Rutherford, CSR, W/fees of \$133.50 pd by the Pltf., filed. mm
9-22-75		Deposition of <u>Delmar D. Farthing</u> , taken on behalf of the pltf. on 9-19-75 before Evelyn Rutherford, CSR W/fees of \$75.00 pd by the pltf., filed. mm
9-23-75	12	Pltf's Trial Brief, filed. jj
9-27-75	13	Trial brief of Deft., filed. v

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE _____ OF _____ PAGES
DATE	NR.	PROCEEDINGS	
9-24-75		Case called for hearing on preliminary injunction. Pltff. represented. Deft. represented. Order of Severance signed & filed in open court. Stipulation of Facts filed in open court. Motion to produce documents granted. Order to Dismiss w/out prejudice to be filed w/in 3 days. Motion for judgment on pleadings overruled. Deft. objects. Pltff. to file order in 3 days. Motion for production of documents moot. Delmar Farthing called as adverse witness, sworn & testifies. Donald Vories, F. Farthing sworn & testify. Deft. makes motion for Dismissal, motion overruled. Ct. sustains Pltff motion for preliminary injunction. Pltff to prepare order. Deft. gives notice of appeal. Court sets supersedeas bond at \$50,000 to be filed in 10 days, otherwise injunction will not be stayed. (AEB-J)b	
9-24-75	14.	Order of Severance signed & filed in open court. (AEB-J)b cps mld	
9-24-75	15.	Stipulation of Facts, filed. b	
9-24-75		Pltff's exhibits filed. (1,2,3,4,5,6,8,9,10,12 in file) (11,13,14 in exhibit room) b	
9-24-75		Deft's exhibit filed. b	
9-24-75		Reporter's Transcript of proceedings had on 9-24-75, filed. b	
9-25-75	16.	Notice of appeal by def. from Order of permanent injunction entered orally by the Court on 9/24/75, filed. rm (copy to USCA) as to damages	
9-30-75	17.	Dismissal of Plaintiff w/o prejudice, filed and entered. v	
10-2-75	18.	Designation of record on appeal, filed. rm	
10-3-75	19.	Certified copy of Order from 10th Circuit denying appellants motion for stay of injunction pending appeal, filed. rm	
10-6-75	20.	Dismissal, filed, ^{and entered} whereby defts. Forrestine Farthing and Delmar D. Farthing voluntarily dismiss their counterclaim for damages against the plaintiff without prejudice. mm	
10-7-75	21.	Counter Designation of Record on Appeal of the Plaintiff, filed. mm	
10-29	22.	Motion to settle order filed by pltff. rm	
10-29	23.	Memorandum, filed and entered. (AEB-J)rm	
10-29	24.	Order of permanent injunction, filed and entered. (AEB-J)rm	
10-31	25.	Appl. for Contempt Citation, filed. 0 to J	
11-3	26.	Mtn. of Deft. for Ext. of Time to Complete Record on Appeal, filed. jj 0 to J	
11-3-75	27.	Order directing deft to appear & show cause on 11-11-75, at 10:00 A.M. (AEB-J)b nts mld	
11-4-75		Appeal record (2 vols.) sent to USCA. g	
11-5	28.	Certificate of Mailing, filed. lm	
11-6	29.	Notice to Take Deposition of sundry witnesses, filed. v	
11-7		USM service of Order to Show Cause, ret. & filed: served Forrestring Farthing, 11-6-75; served Delmar Farthing, 11-6-75. (USM \$6.96)g	
11-11	30.	Motion by defts. for disqualification & Brief, w/Affidavit, filed. ph	
11-11	MO	Case called for hrg. on show cause order. Parties present. Deft.'s Motion for disqualification is overruled. Statements made. Court takes evidence. Pltff witnesses sworn & testify. Court orders	

(continued)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 75-C-339
Cory Food Services, Inc.		Forrestine Farthing	PAGE 4 OF 2 sheets PAGES
DATE	NR.	PROCEEDINGS	
11-11 contd		appearance of Mr. Cash & Mr. Parker. All witnesses recognized back for continued hrg. on 11-24-75 at 11:00 a.m. Deft. recognized back for continued hrg. on 11-24-75 at 11:00 a.m. Court orders machines to be removed before hearing. (AEB-J)k notices of hrg. by cert m	
11-13	31.	Notice to take deposition, filed. hm	
11-17	32.	Order overruling motion for disqualification, filed. (AEB-J)hm (copies mailed)	
11-18	33.	Bond for costs on appeal (\$250 cash), filed. rm	
11-19	34.	Deft's Mot for ext. of time in which to comply with order, filed. tc	
11-24	MO:	Ordered by the Court that Defts motion for extension of time to comply with order is denied. (AEB-J)b	
11-24-75		Case called for continued hearing on order to show cause. Deft. present & represented. Pltf. represented. Rule invoked & Pltf's witnesses sworn & testify. Court finds Deft. in civil contempt of court & fined \$100 a day from 9-24-75, the date Court entered Order, & \$200 a day from this date until all coffee machines are removed. Fine to be paid within 10 days. Court will intertain at later date the amount Pltf. has due them as to costs. (AEB-J)b	
11-24-		Pltf's exhibits 2,3,4,5,6, filed. (#2 in exhibit room) b	
11-24	35.	Order, that F. Farthing pay fine to Cory Food, computed from date said order should have been complied with (allowing 10 days from date of entry of preliminary injunction on 9-24-75) at \$100 per day, & \$200 per day/until Order is complied with. Said fine shall constitute a Judgment in favor of Pltf. & against F. Farthing, filed & entered. (AEB-J)b cps mld	
11-28-75	36.	Pltf's Appl. for ext. of time of 5 days until Dec. 4, to file bill of costs, filed. tc (0-5)	
11-28-75	37.	Pltf.'s Appl. to remove exhibits, filed. tc (0-5)	
12-3	38	Pltf's mot. to assess costs, and Bill of Costs, filed.k	
12-5	39.	Order, filed, that Pltf. is allowed to w/draw Pltf.'s Exh. 2, a Cory Coffee Machine, and Pltf.'s Exhibits 5 & 6, being documentary evidence, from records of the Court. (AEB-J)v -cps. mld.	
12-5	40	Order, filed, granting Pltf. until 12-4-75 to file its Bill of Costs. (AEB-J)v -cps. mld.	
12-17	41	Order, filed, approving pltf. bill of costs and assessing costs in the amt. of \$3,715.66 against defs. (AEB-J)rm - copies md	
1-13	42	Pltf. Mot. for Ord. of Judgment, filed. tc	
1-13	43	Pltf. Bf. in Support of Mot. for Ord of Judg., filed. tc (0-3)	
1-15	MO:	It is ordered by the Ct. that the deft. file a responsive brief within 5 days to Pltf's motion for order of judgment. (AEB-J)ph cps. mld.	
1-19-76	44.	Deft.'s supplemental notice of appeal, filed.k	
1-19	45.	Affid. of Sam G. Bratton II as to costs in said case, filed. ph	
1-20		Supplemental appeal record (1 vol) sent to USCA. rm	
1-21	46.	Brief in opposition to Pltf.'s Mot. for order of judgment, fld. v	

DATE	JUDGE BARROW	PROCEEDINGS	Date Order or Judgment Noted
1976			
1-29-76	47.	Ordered that Delmar D. Farthing & Forrestine Farthing are to appear in person before said Court on the 10th day of February @10:00a.m. to ans. regarding your ability to respond to the judg.(AEB-J)t cps. to U.S.M. & Attys.	
2-10		Case called for hearing on order directing F.Farthing to appear & answer regarding ability to respond to Judgment. Parties present. Deft. placed under oath & parties retire to conference room for hearing & are to report back to Court.(AEB-J)b	
2-10-		MO:It is ordered that the hearing scheduled for 2-10-76, is continued to Feb. 23, 1976, at 10:00 A.M. & parties are recognized back.(AEB-J)b lts mld 2-10-76	
2-23-		Case called for continued hearing on order directing Deft. to appear & answer re: ability to respond to Judgment. Pltf. appears & announces they wish to have case stricken from docket, as they have acquired info requested.Ct. strikes hearing.(AEB-J)b	
3-16	48	Garnishment Affidavit, filed. lm	
3-16		49. Garnishment Affidavit, filed. lm	
3-16		50. Garnishment Affidavit, filed. lm	
3-16		51. Garnishment Affidavit, filed. lm	
3-16		Garnishment Summons issued to defendant. lm	
3-17		Garnishment summons, ret. & filed: served Stuffy's Executive Coffee Service and City Bank & Trust Co., Tulsa, on 3-17-76. (USM \$8.04)g	
3-18	52	Answer (letter) to Garnishment summons by Stuffy's, filed; Delmar D. Farthing not an employee and not indebted to him. g	
3-18	53.	Pltf's interrogs., filed. ph	
3-19	54	Garnishee answer, filed. (City Bank & Trust Co. shows balance in checking accts. of Farthings) rm	
3-24		55. Dismissal of garnishment action as to Stuffy's Executive Coffee Service only, filed.jj	
4-8		56. Depo of Charles D. Cash, taken before me, Paul M. Potts a CSR on Nov. 19,filed, To be pd by Atty for Pltf., fees \$162.00.t	
4-19		57. Deft's Ans. to Pltf's Interrog.,filed.t	
6-4		58. Release and waiver of money judgment, filed. ph	
6-14-76		59. Certified copy of Order of Dismissal from 10th Circuit, filed and spread of record, that upon stipulation for dismissal, appeal is dismissed, each party to bear their own costs on appeal. rm	
6-14-76		Original record on appeal received from USCA. rm	
4-26-82	60	APPLIC for order of disbursment.(0 to J)a	
4-27-82	--	ORDER disbursing \$250.00 appeal Bond to James L. Edgar,Atty for deft.(HDC-J)jc(c/atty)	

DATE	PROCEEDINGS	Date Order or Judgment Noted